

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2003-327-C**

IN RE:

Continued Availability of Unbundled High Capacity Loops at Certain Locations and	)	<b>KMC TELECOM III, LLC'S</b>
Unbundled High Capacity Transport on Certain	)	<b>OBJECTIONS TO BELL SOUTH'S</b>
Routes Pursuant to the Federal Communication	)	<b>FIRST REQUESTS FOR</b>
Commission's Triennial Review Order	)	<b>PRODUCTION</b>
_____	)	

KMC Telecom III, LLC ("KMC"), pursuant to the South Carolina Public Service Commission's ("Commission") Rules of Practice and Procedure, Rule 34 of the South Carolina Rules of Civil Procedure, and the Joint Motion for Initial Procedural Scheduling Order approved by the South Carolina Public Service Commission on December 11, 2003, hereby submits the following Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Requests for Production of Documents served December 8, 2003.

The objections stated herein are preliminary in nature and are made at this time to comply with the 10-day requirement set forth in the Joint Motion for Initial Procedural Order. Should additional grounds for objection be discovered as KMC prepares its answers to the above-referenced requests for production, KMC reserves the right to supplement, revise, or modify its objections at the time it serves its response.

**A.     General Objections**

KMC makes the following General Objections to BellSouth's First Request for Production of Documents, including the applicable definitions and general instructions therein ("BellSouth discovery"), which as appropriate will be incorporated into each relevant response when KMC's responses are served on BellSouth.

1. KMC objects to the BellSouth discovery to the extent that such discovery seeks to impose an obligation on KMC to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case on the grounds that such discovery is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules. KMC further objects to any and all BellSouth discovery that seeks to obtain information from KMC for KMC subsidiaries, affiliates, or other related KMC entities that are not certificated by the Commission.

2. KMC has interpreted the BellSouth discovery to apply to KMC's regulated intrastate operations in South Carolina and will limit its responses accordingly. To the extent that any BellSouth discovery is intended to apply to matters that take place outside the state of South Carolina and which are not related to South Carolina intrastate operations subject to the jurisdiction of the Commission, KMC objects to such request as irrelevant, overly broad, unduly burdensome, and oppressive.

3. KMC objects to the BellSouth discovery to the extent that such discovery calls for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or any other applicable privilege.

4. KMC objects to the BellSouth discovery insofar as such discovery is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these requests. Any responses provided by KMC in response to the BellSouth discovery will be provided subject to, and without waiver of, the foregoing objection.

5. KMC objects to the BellSouth discovery insofar as such discovery is not

reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the subject matter of this action.

6. KMC objects to the BellSouth discovery insofar as it seeks information or documents, or seeks to impose obligations on KMC which exceed the requirements of the rules and regulations of the South Carolina Public Service Commission, the South Carolina Rules of Civil Procedure, or other applicable statutes, rules and legal requirements.

7. KMC objects to providing information to the extent that such information is already in the public record before the South Carolina Public Service Commission or is already in the possession, custody or control of BellSouth.

8. KMC objects to the BellSouth discovery to the extent that such discovery is overly broad, unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. KMC objects to each and every request to the extent that the information requested constitutes "trade secrets" under the rules and regulations of the South Carolina Public Service Commission, the South Carolina Code of Civil Procedure, or other South Carolina law. To the extent that BellSouth's requests seek proprietary confidential business information which is not the subject of the "trade secrets" privilege, KMC will make such information available for counsel for BellSouth pursuant to an appropriate Protective Agreement, subject to any other general or specific objections contained herein.

10. KMC is a large corporation with employees located in many different locations in South Carolina and in other states. In the course of its business, KMC creates countless documents that are not subject to South Carolina Public Service Commission or

FCC retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document that has been identified in response to these requests. KMC will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information. To the extent that the BellSouth discovery purports to require more, KMC objects on the grounds that compliance would impose an undue burden or expense.

11. KMC objects to the BellSouth discovery that seeks to obtain “all,” “each,” or “every” document, item, customer, or other such piece of information to the extent that such discovery is overly broad and unduly burdensome. Any answers that KMC may provide in response to the BellSouth discovery will be provided subject to, and without waiver of, this objection.

12. KMC objects to the BellSouth discovery to the extent such discovery seeks to have KMC create documents not in existence at the time of the request.

13. KMC objects to the BellSouth discovery to the extent such discovery is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

14. In light of the short period of time KMC has been afforded to respond to the BellSouth discovery, the development of KMC’s positions and potentially responsive information to the BellSouth requests is necessarily ongoing and continuing. This process is further complicated since at this point in time, the Commission has not yet established any

procedural order for this matter. Accordingly, these are preliminary objections to comply with the Joint Motion for Initial Procedural Order filed by BellSouth and CompSouth. KMC reserves the right to supplement, revise, or modify its objections at the time that it serves its actual responses to the BellSouth discovery. However, KMC does not assume an affirmative obligation to supplement its answers on an ongoing basis, contrary to the BellSouth General Instructions.

**B. Specific Objections**

KMC makes the following Specific Objections to BellSouth's First Request for Production of Documents, including the applicable definitions and general instructions expressed therein, which as appropriate will be incorporated into each relevant response when KMC's responses are served on BellSouth.

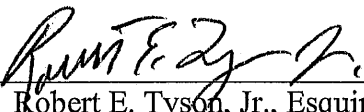
15. KMC objects to each and every request for production that seeks information regarding KMC's operations in Incumbent Local Exchange Carrier ("ILEC") service areas other than the BellSouth ILEC service area within the state of South Carolina as such information is irrelevant to BellSouth's case in this docket and such discovery is overly broad and unduly burdensome.

16. Outside of the discovery request served by BellSouth on December 8, 2003, there have been discussions between BellSouth and some of the Competitive Local Exchange Carriers ("CLECs") that this discovery is "regional" in nature and that BellSouth would prefer that the CLECs respond on a regional basis without additional service in these other states. At this point in time, without necessarily agreeing or disagreeing with BellSouth's request for regional answers, KMC reserves its rights to object to providing responsive

information for states other than South Carolina. Further, in the event KMC does provide responsive information for states other than South Carolina pursuant to the December 8, 2003, discovery in this South Carolina docket, KMC reserves its rights to not provide such non-South Carolina information in the South Carolina case. Finally, in the event KMC does provide information for states other than South Carolina pursuant to the December 8, 2003, discovery in this South Carolina docket, KMC reserves its rights to provide such non-South Carolina information on a schedule other than that which is specified by any procedural schedule established by the Commission.

17.

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Columbia, South Carolina

December 18, 2003

### **CERTIFICATE OF SERVICE**

I, the undersigned of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for KMC Telecom III, LLC, do hereby certify that I have a copy of the pleading(s) hereinbelow specified via e-mail to the following address(es):

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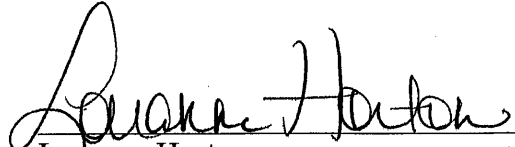
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